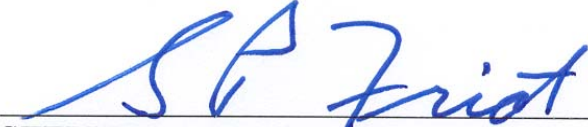




courts and courts of appeals to stay an order pending appeal, under both rules, the factors which regulate the issuance of a stay are generally the same. *Id.* at n.9 quoting Hilton v. Braunskill, 481 U.S. 770, 776 (1987). Those factors are: (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *Id.*

Plaintiff appears *pro se*, and his pleadings are liberally construed. In that light, the court has carefully reviewed plaintiff's motion, his brief, his affidavit, and the underlying pleadings and documents in this case. There has been no showing that plaintiff will likely succeed on the merits of his appeal. There has been no showing that plaintiff will be irreparably injured absent an injunction. There also has been no showing as to where the public interest lies in this matter.<sup>1</sup> The court finds and concludes that there has been no showing to justify the requested injunction. Plaintiff's "Motion for Preliminary Injunction Pending Appeal" is therefore **DENIED**.

Dated this 4<sup>th</sup> day of January, 2007.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Given defendants' failure to respond to the motion, the court makes no finding regarding any injury to the defendants which might result from the issuance of the requested injunction. The court states that even if defendants would not be injured at all by the requested injunction, that fact would not change the result here.